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OFFICE OF THE SECRETARY

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Donna Searcy, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

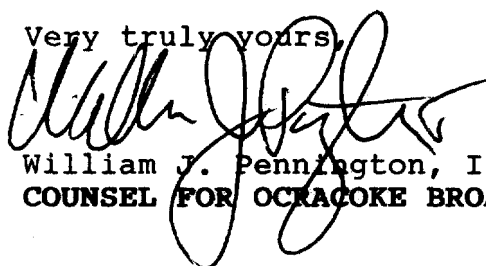
RE: Petition for Rule Making for FM Channel Upgrade at
Ocracoke, North Carolina.

Dear Ms. Searcy:

Transmitted herewith, on behalf of Ocracoke Broadcasters, permittee of a new FM Station (920505ME) at Ocracoke, North Carolina, is an original and four copies of a Petition for Rule Making. This petition seeks a substitution of channels which will allow an upgrade of the new FM facility.

Should there be any questions relating to this matter please do not hesitate to contact the undersigned.

Very truly yours,



William J. Pennington, III
COUNSEL FOR OCRACOKE BROADCASTERS

Enc.
WJP/tlt

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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JUN 28 1993

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No.
FM Table of Allotments)
(Ocracoke, North Carolina))

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Policy and Rules Division

PETITION FOR RULE MAKING

Ocracoke Broadcasters ("OB"), permittee of a new FM broadcast station at Ocracoke, North Carolina (BPH-920505ME), authorized to operate on Channel 225A, by its attorney, hereby respectfully requests that the Commission amend Rule 73.202(b), the FM Table of Allotments, to substitute Channel 224C1 for Channel 225A at Ocracoke. OB further requests that its construction permit be modified to specify operation on Channel 224C1. In support, the following is respectfully submitted:

1. The attached spacing study (Exhibit 1) shows that Channel 224C1 can be substituted for Channel 225A at Ocracoke consistent with all the minimum separation requirements to both existing and proposed allocations if site restricted 49 kilometers southwest of the community. The proposed allocation site is close enough to Ocracoke so that a station operating on Channel 224C1 would have no difficulty placing a 70 dBu contour over the entire community of Ocracoke.

2. The substitution of Channel 224C1 for Channel 225A at

Ocracoke, and the modification of OB's construction permit to specify operation thereon, will permit OB to serve a much larger area, thereby increasing the number of broadcast signals available to the public as well as create a more efficient use of the spectrum, both of which provide public interest benefits. See Report and Order in MM Docket No. 85-313, 60 RR 114m 118 (1986). Thus, OB's proposal would serve the public interest.

3. Because Channel 224C1 would not be available to a third party for use at Ocracoke, OB's construction permit may be modified to specify operation on the higher class channel pursuant to Rule 1.420(g). Upon grant of this request, OB will proceed promptly with construction of its upgrade.

4. Based on the foregoing, OB hereby requests that the Commission modify its FM Table of Allotments to substitute Channel 224C1 for Channel 225A at Ocracoke and modify OB's construction permit for a new FM station at Ocracoke to specify operation on the new channel with full class C1 facilities.

Respectfully submitted,

OCRACOKE BROADCASTERS

By: 

William J. Pennington, III
Its Attorney

Post Office Box 2506
Pawleys Island, SC 29585
(803) 237-2591

June 24, 1993

CHANNEL SPACING STUDY

REFERENCE STATION: PROPOSED
OCRACOKE NC

LAT/LONG: 34-51-15 N, 76-24-58 W
CHANNEL/CLASS: 224C1

| STATION CITY OF LIC | CH #/CL | LATITUDE/ LONGITUDE | DIST (KM) REQ (KM) | DIST (MI) +/- (KM) | BEARING |
|----------------------------|---------|------------------------|-----------------------|-----------------------|-----------------|
| WKJA-do BELHAVEN NC | 221A | 35-29-29 76-43-10 | 75.933 75 | 47.182 0.933 | 338.76 CLOSE |
| WFXX-ap JACKSONVILLE NC | 222C2 | 34-44-56 77-24-51 | 91.976 79 | 57.151 12.976 | 262.70 CLEAR |
| WYFL HENDERSON NC | 223C | 36-13-23 78-12-07 | 221.952 209 | 137.914 12.952 | 313.46 CLEAR |
| WNHW NAGS HEAD NC | 223C3 | 35-59-17 75-38-42 | 144.009 144 | 89.483 0.009 | 28.89 CLOSE |
| ALLOC OCRACOKE NC | 225A | 35-06-52 75-58-53 | 49.060 133 | 30.484 -83.940 | 53.88 SHORT |
| NEW-ap OCRACOKE NC | 225A | 35-06-27 75-58-11 | 49.483 133 | 30.747 -83.517 | 55.33 SHORT |
| WDLX WASHINGTON NC | 227C | 35-21-55 77-23-38 | 105.582 105 | 65.606 0.582 | 302.59 CLOSE |
| WKQT-cp NEWPORT NC | 277C1 | 35-07-55 76-52-32 | 52.023 34 | 32.325 18.023 | 306.40 CLEAR |
| WKQT NEWPORT NC | 277C1 | 35-07-55 76-52-32 | 52.023 34 | 32.325 18.023 | 306.40 CLEAR |